

**STAFF REPORT
DEVELOPMENT COMMISSION
ZONING MEETING
CITY OF COLUMBUS, OHIO
NOVEMBER 11, 2010**

- 4. APPLICATION:** **Z10-005 (ACCELA # 10335-00000-00074)**
Location: **6698 EAST BROAD STREET (43213)**, being 31± acres located at the northeast corner of East Broad Street and Brice Road. (010-165722)
Existing Zoning: M-2, Manufacturing District.
Request: CPD, Commercial Planned Development District.
Proposed Use: Building materials supply dealer and commercial uses.
Applicant(s): Menard Inc; a Wisconsin Corporation; 5101 Menard Drive; Eau Claire, WI 54703.
Property Owner(s): Columbus Corporate Center Inc; 191 West Nationwide Boulevard; Suite 200; Columbus, OH 43215
Planner: Dana Hitt, AICP, 645-2395, dahitt@columbus.gov

BACKGROUND:

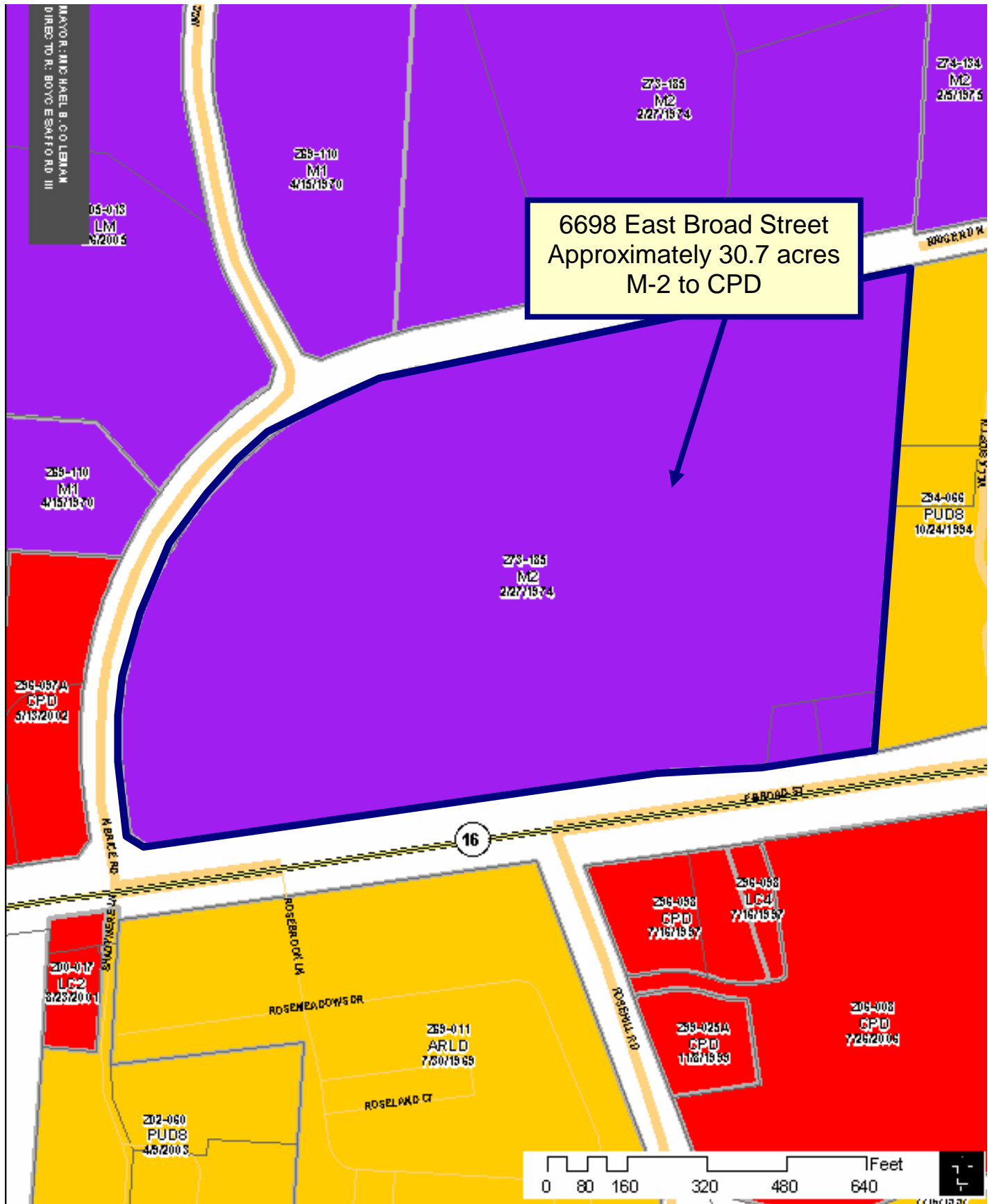
- The applicant is requesting the CPD, Commercial Planned Development District to develop this vacant site with retail and office uses in two separate sub-areas. A building materials supply dealer is proposed for the east sub-area and unspecified retail or office uses could be developed in the west sub-area.
- To the north is vacant land and warehouse development in the L-M, Limited Manufacturing and M-1 and M-2, Manufacturing Districts. To the east is a multi-family residential development in the PUD-8, Planned Unit Development District. Across East Broad Street to the south are fast-food restaurants in the CPD, Commercial Planned Development District, multi-family residential development in the ARLD, Apartment Residential District and a shopping center in the L-C-4, Limited Commercial District. To the west across Brice Road are a restaurant and a retail tire/service facility in the CPD, Commercial Planned Development District.
- The *Columbus Comprehensive Plan* (1993) identifies the site as lying within a recommended industrial/office development district. Deviation for commercial development can be supported because the zoning and development trend along this portion of East Broad Street over the last ten years has been almost exclusively commercial or residential in nature.
- The site is located within the “Extended Study Area” of the *East Broad Street Study* (2000). The Study makes no specific land use recommendation for this site, however, the “Extended Study Area” classifies the preferred development as ‘neighborhood based’ that would serve the residential population already existing in the area.” The Study encourages low vehicle trip generating uses but the resulting mixture of land uses must account for the overall impacts on the East Broad Street Corridor.
- The CPD text includes development standards that address building and parking setbacks,

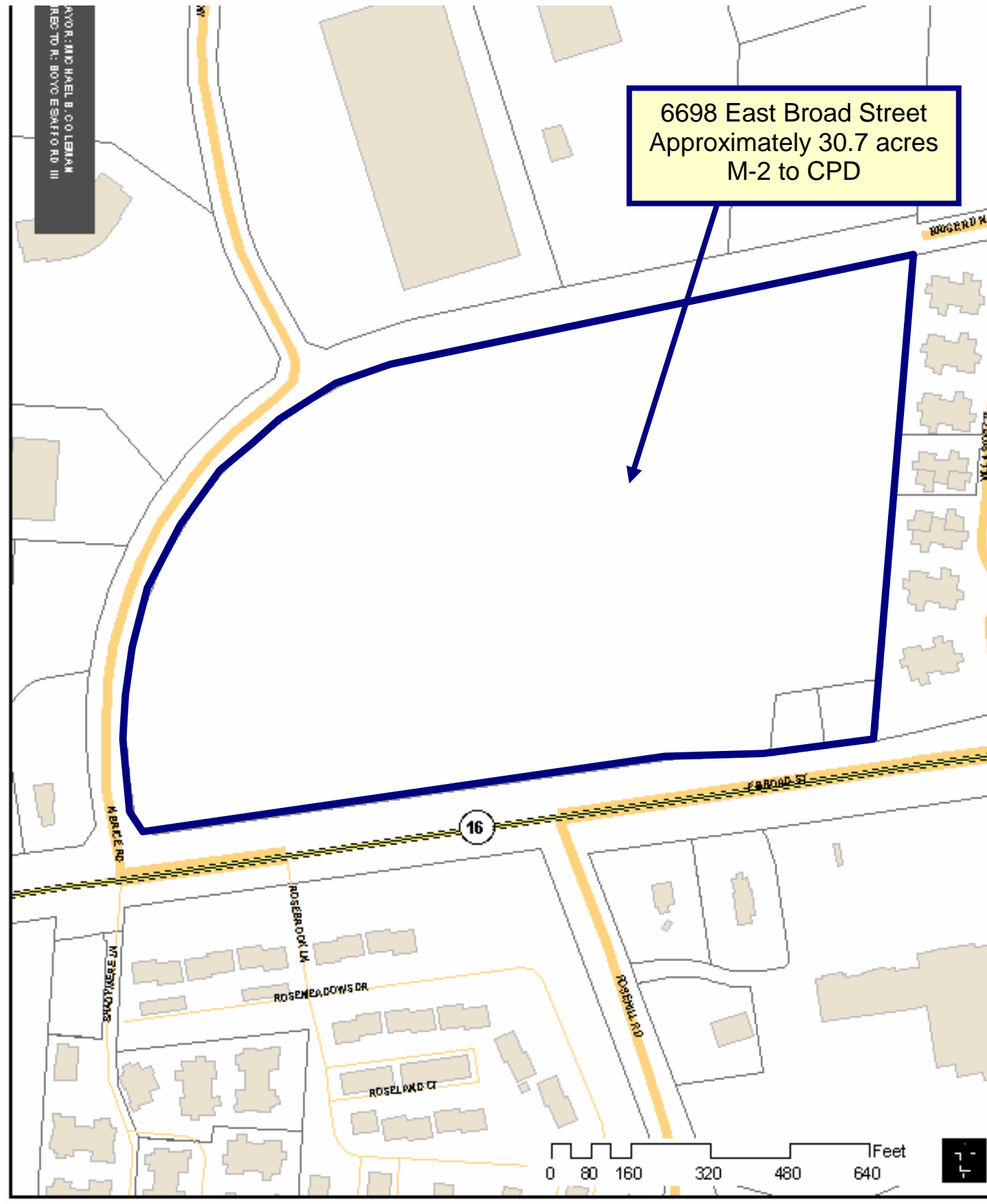
lighting, screening and street trees, as well as a conservation easement along the floodway and along the east property line as well.

- The applicant requests a variance to reduce the building setback on East Broad Street from 80 feet to 50 feet within Subarea II, to eliminate the five foot parking lot screening otherwise required by code within Subarea I, and to reduce the minimum required parking from 811 parking spaces to 440 parking spaces within Subarea I. The Division of Planning and Operations supports the requested parking variance which is consistent with a parking variance granted by the BZA at the applicant's site at the former Northland mall.
- The applicants were sent a staff review results letter on April 20, 2010 detailing issues that should be resolved prior to Development Commission. One issue is that the applicant needs a variance from the Division of Sewerage and Drainage Variance Review Committee to fill in the stream protection zone. That variance request was not submitted until September 2nd. The Sewerage and Drainage Variance Review Committee reviewed the applicant's application on September 19, but found that it contained insufficient information for a complete review. The applicants reapplied on September 28 with the intention of being heard at the October 5 review meeting, however the City postponed that meeting until October 19. At the October 19 meeting, the Division of Sewerage and Drainage reviewed the stormwater variance and identified that the following outstanding item needs to be resolved before a conditional or final approval will be granted: a grade/fill plan needs to be submitted so cut and fill volumes can be accurately calculated. The proposed turf grass on the west side of Utzinger Ditch will need to be replaced with trees and natural vegetation.
- The requested traffic impact study was not submitted until August 24. The City responded on September 27 to the consultant via a comment letter requiring a revision to the traffic impact study. The applicants resubmitted on October 5. At the time of the preparation of this report, the applicant and the Division of Planning and Operations have not yet agreed upon a final list of commitments that are to be added to the CPD text of this rezoning application. There is one improvement to the intersection of E. Broad St. & Rosehill Rd. proposed to be added to the CPD text of Subarea II that the applicant will not agree to provide.
- The applicant requested that the application be scheduled for the October 14, 2004 Development Commission meeting despite unresolved traffic issues and the issue of filling in the floodway. The item was tabled.
- Staff met with the applicant on September 22 and informed them that if these issues were still not resolved by October 5, the city would recommend disapproval. As of the preparation of this report, those issues still have not been resolved, yet the applicant insists on being placed on the November 11, 2010 Agenda. Furthermore, the Division of Planning and Operations and the Applicants have not yet agreed upon a final list of commitments that are to be added to the CPD text of this rezoning application. Until these issues are resolved it is unclear if the CPD plan can be built as shown since substantive changes may be needed. City Council has indicated to Staff that they do not like zoning legislation proceeding when there are unresolved issues.
- The *Columbus Thoroughfare Plan* identifies East Broad Street as a 6-2D arterial requiring a minimum of 80 feet of right-of-way from centerline.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval.

The proposed Commercial Planned Development District will allow retail and office development which is appropriate and consistent with the development and zoning pattern in the area. The zoning and development trend along this portion of East Broad Street over the last ten years has been almost exclusively commercial or residential in nature. However, staff recommends Disapproval at this time because significant traffic and storm water related issue remain unresolved. The applicant has not yet received a variance from the Division of Sewerage and Drainage Variance Review Committee to allow filling in the stream protection zone nor have the necessary traffic improvements been resolved. Until these issues are resolved there is no assurance that the proposed CPD plan can be built as shown and the text may still need to be changed. It is staff's position that this request is not prepared to be considered by the Development Commission while such significant issues remain unresolved.





COMMERCIAL PLANNED DEVELOPMENT TEXT

PROPOSED DISTRICTS: Commercial Planned Development (CPD)
PROPERTY ADDRESS: 6698 East Broad Street
OWNER: Columbus Corporate Center, Inc., an Ohio company
APPLICANT: Menard, Inc., a Wisconsin corporation
DATE OF TEXT: 10/22/10
APPLICATION NUMBER: Z10-005

INTRODUCTION

The subject area is being divided into subareas to reflect zoning classifications and standards, which are thought to be appropriate for each subarea. The development will occur over an extended period of time and it will be necessary from time to time to modify the development standards and to provide for additional uses which could not be foreseen but are compatible with the uses allowed in each subarea. The development of Subarea I is planned as a Menards home improvement and building materials supply dealer, with said development of Menards at Columbus Corporate Center coinciding with the development of Menards at Northland Village.

Any subarea may be the subject of a zoning application filed with the City of Columbus and nothing contained herein shall prevent the current or future owners of the property from filing and processing a zoning application on any subarea.

The applicable development requirements contained in this text shall not apply to the subarea until the time of development of that subarea.

SUBAREA I – 21.36+/- ACRES

1. **PERMITTED USES:** The following uses shall be permitted within Subarea I: Those uses listed in Chapter 3356 (C-4, Commercial District).

2. **DEVELOPMENT STANDARDS:** Except as otherwise noted above herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to Subarea I.

A. Density, Height, Lot and/or Setback commitments.

1. Setback from East Broad Street shall be twenty-five (25) feet for all parking, loading and maneuvering areas and eighty (80) feet for buildings.
2. Setback from Brice Road shall be ten (10) feet for all parking, loading and maneuvering areas and thirty (30) feet for buildings.
3. Setback from east property line of Subarea I shall be twenty (20) feet for parking, loading and maneuvering areas and fifty (50) feet for buildings.
4. Setback from the floodway area on the west side of Subarea I, beginning approximately seventy-five (75) feet north of the East Broad Street right-of-way line, shall be at least ten (10) feet for the north-south connector drive on the west side of Subarea I. The north-south connector drive on the west side of Subarea I may encroach upon the floodway areas within seventy-five (75) feet of the East Broad Street right-of-way line where the north-south connector drive intersects with East Broad Street in order to align with Rose Hill Road for traffic safety reasons, and in the area where the proposed roadway connection / bridge between Subareas I and II may eventually be constructed. Setback from the floodway area in Subarea I shall be fifty (50) feet for buildings. The existing vegetation within the existing floodway west of the north-south connector drive shall remain to further buffer this area. However, the existing vegetation in the floodway within seventy-five (75) feet of the East Broad Street right-

of-way line may be removed or modified to allow for construction of the Rosehill Road/East Broad Street access point provided vegetation in the disturbed portion of the floodway is restored after completion of construction activities. The existing vegetation may also be removed or modified to allow for construction of the future roadway connection between Subareas I and II provided vegetation in the disturbed portion of the floodway is restored after completion of construction activities.

5. Setbacks from the floodway area on the west side of Subarea I, beginning approximately seventy-five (75) feet north of the East Broad Street right-of-way line, shall be the City approved Stream Corridor Protection Zone (SCPZ) where the SCPZ boundary is greater than the standard setback distances required in above paragraph 4, as such SCPZ boundary is illustrated and documented in the attached Exhibit _____. Exhibit _____ contains the site plan showing the Subarea I SCPZ boundary and related documentation as approved by the City of Columbus.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. Access to East Broad Street shall be by one signalized intersection opposite Rose Hill Road.
2. Access to Brice Road shall be by one intersection opposite McCormick Boulevard and by one secondary curb cut on the Brice Road connection, to be established pursuant to the final Menards site plan.
3. There shall be established a north-south connector drive with two (2) through lanes and appropriate left turn lanes. This road is defined on the east by a stormwater detention area and a curbed landscape island adjacent to the Menards store improvements.
4. A bike rack will be installed adjacent to the building in Subarea I.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Loading dock areas and the trash compactors shall be screened with a treated lumber pallet racking structure surrounding the lumberyard area.
2. A street tree row shall be established along East Broad Street containing a minimum of fifteen (15) deciduous trees planted at a maximum of forty (40) feet on center. Such trees shall be a minimum of two and one half (2 ½) inches in caliper.
3. Any surface parking lot adjacent to East Broad Street shall be screened from its right of way with a three (3) foot high continuous shrub row.
4. The minimum size of all trees at installation shall be two and one half (2 ½) inch caliper for deciduous trees, one and one half (1 ½) inches or six (6) feet high for ornamental trees, and six (6) feet high for evergreen trees.
5. All landscape materials within Subarea I shall be planted with development of the subarea and shall be maintained in a healthy fashion. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
6. The developer shall install a mixture of evergreen and deciduous trees along the length of the treated lumber pallet racking outside the right-of-way of Brice Road. These trees shall be planted in several clusters in order to provide a series of visual interruptions along the length of the treated lumber pallet racking.
7. The developer shall grant to the City a Conservation Easement over the floodway after completion of the Rosehill Road/East Broad Street access point. Said easement shall be subject to one (1) future driveway crossing, any necessary utility crossings (present or future), and any other governmental requirements.

8. The developer shall preserve a ten (10) foot conservation area along the entire length of the Subarea I east property line. The existing vegetation within the ten (10) foot conservation area shall not be disturbed. West of the ten (10) foot conservation area, the developer shall install the following screening features: Beginning approximately thirty (30) feet north of the East Broad Street right-of-way line, the developer shall install a six (6) foot tall wood fence approximately ten (10) feet west of the eastern boundary of Subarea I. Such fence shall run north approximately four hundred seventy five (475) feet from its southern starting point. From the northern termination point of the six (6) foot tall fence, the developer shall construct a landscaped mound of varying height. Such berm shall run north approximately four hundred twenty five (425) feet beyond the northern termination of the six (6) foot tall fence. This section of berm shall average between six (6) and nine (9) feet in height prior to descending to match into the existing grades adjacent to Brice Road.

9. Prior to completion of construction on Subarea I, the developer of Subarea I shall install a six (6) foot tall wood fence beginning at the northeast corner of Subarea I and running parallel to the Brice Road right-of-way line. Such fence shall run approximately four hundred (400) feet in length measured from the northeast corner of Subarea I. After construction of the fence is completed, maintenance of the fence shall be the responsibility of the Villas at East Point Condominium Association.

D. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. Buildings and landscaping may be up lit or down lit provided that such lighting does not spill over into the public right of way or the residential property to the east. Pedestrian friendly decorative lighting shall be permitted on the south elevation of the garden center located on the west side of the Menards building.

2. Outdoor display areas shall include a propane tank display and sales area in front of the building, provided however that four (4) feet of sidewalk shall remain available to pedestrians, and a trailer display and sales area of approximately 2,000 square feet in size. The trailer display and sales area shall lie within the parking field. No additional parking spaces shall be required for this outdoor display area.

3. All light poles shall be black in color (above any base) and the poles shall be constructed of metal.

E. Graphics and Signage commitments.

1. All signage and graphics shall conform to the Columbus City Code or a Graphics Plan shall be submitted for approval by the Columbus Graphics Commission.

F. Floodplain Development.

1. That portion of the north-south connector drive constructed in the floodway adjacent to Rose Hill Road shall be a specifically allowed activity within the floodway pursuant to Section 3385.07 C., and shall be reviewed and approved for certificate of zoning clearance issuance in accordance with those activities not resulting in an increase in base flood elevations pursuant to Section 3385.08 B.

2. The proposed roadway connection / bridge to be constructed in the floodway connecting Subareas I and II shall be a specifically allowed activity within the floodway pursuant to Section 3385.07 C., and shall be reviewed and approved for certificate of zoning clearance issuance in accordance with Section 3385.08 B and C (as applicable).

G. Miscellaneous Commitments.

1. The Subject Site shall be developed in accordance with the submitted site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.

2. The Building shall be developed in accordance with the submitted building elevation plan. The building elevations may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the elevations shall be reviewed and approved by the Director of the Department of Building and Zoning Services or his designee upon submission of the appropriate data regarding the proposed adjustment.
3. The developer shall provide pedestrian access from East Broad Street to the front of the building.

SUBAREA II – 8.96+/- ACRES

1. **PERMITTED USES:** The following uses shall be permitted within Subarea II: Those uses listed in Chapter 3356 (C-4, Commercial District) and in Chapter 3357 (C-5, commercial district).

2. **DEVELOPMENT STANDARDS:** Except as otherwise noted above herein, the applicable development standards of Chapter 3356, C-4, Commercial District shall apply to Subarea II.

A. Density, Height, Lot and/or Setback commitments.

1. Setback from East Broad Street shall be twenty-five (25) feet for all parking, loading, and maneuvering, and fifty (50) feet for buildings.

2. Setback from Brice Road shall be ten (10) feet for all parking, loading and maneuvering areas and twenty-five (25) feet for buildings.

3. Setback from the floodway line on the east side of Subarea II shall be five (5) feet for parking, loading, and maneuvering areas and ten (10) feet for buildings. Setback shall extend to the City designated Stream Corridor Protection Zone (SCPZ) where the SCPZ boundary is greater than the standard setback distances required by this paragraph, as such SCPZ boundary is illustrated and documented in the attached Exhibit ____ . Exhibit ____ contains the site plan showing the Subarea II SCPZ boundary and related documentation as approved by the City of Columbus.

B. Access, Loading, Parking and/or other Traffic related commitments.

1. Access to Subarea II shall be established via a maximum of three (3) curb cuts on Brice Road.

2. A proposed connector drive between Subarea I and Subarea II is permitted but not required to be built.

3. A pedestrian connection will be provided from East Broad Street to uses in Subarea II.

4. A bike rack will be installed for each building in Subarea II.

C. Buffering, Landscaping, Open space and/or Screening commitments.

1. Loading dock areas and the trash compacters shall be screened with a masonry wall to be built utilizing the same materials as the main building with a wood gate on the fourth side.

2. A street tree row shall be established along East Broad Street containing a minimum of ten (10) deciduous trees planted at a maximum of forty (40) feet on center. Such trees shall be a minimum of two and one half (2 ½) inch caliper.

3. The minimum size of all trees at installation shall be two and one half (2 ½) inch caliper for deciduous trees, one and one half (1 ½) inch or six (6) feet high for ornamental trees, and six (6) feet high for evergreen trees.

4. All landscape materials shall be planted with development of the respective Subarea and/or portion within the Subarea and maintained in a healthy fashion. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

5. The Developer shall grant to the City a Conservation Easement over the floodway after completion of construction of the Rosehill Road/East Broad Street access point. Said easement shall be subject to one (1) future driveway crossing, any necessary utility crossings (present or future), and any other governmental requirements.

D. Dumpsters, Lighting, Outdoor display areas and/or other environmental commitments.

1. Buildings and landscaping may be up lit or down lit provided that such lighting does not spill over into the public right of way.
2. Outdoor display area shall include the sidewalk area in front of the buildings, provided however that four (4) feet of sidewalk shall remain available to pedestrians. No additional parking spaces shall be required for this outdoor display area.
3. All light poles shall be black in color (above any base) and the poles shall be constructed of metal.

E. Graphics and Signage commitments.

1. All signage and graphics shall conform to the Columbus City Code, as it applies to the C-4 and C-5 commercial district classifications, or any Graphics Plan for Subarea II approved by the Columbus Graphics Commission. Any variance to those standards shall be submitted to the Columbus Graphics Commission.

F. Floodplain Development.

1. The proposed roadway connection / bridge to be constructed in the floodway connecting Subareas I and II shall be a specifically allowed activity within the floodway pursuant to Section 3385.07 C., and shall be reviewed and approved for certificate of zoning clearance issuance in accordance with Section 3385.08 B and C (as applicable).

CPD CRITERIA WHICH APPLIES TO BOTH SUBAREA I AND II

1. NATURAL ENVIRONMENT:

The site is undeveloped.

2. EXISTING LAND USES:

To the north across Brice Road industrial development; to the east multi-family development; to the west across Brice Road: commercial development and to the south across East Broad Street commercial and multi-family development.

3. TRANSPORTATION AND CIRCULATION:

Access to the site shall be via East Broad Street and Brice Road.

4. VISUAL FORM OF THE DEVELOPMENT:

The site shall be developed in accordance with the zoning text.

5. VIEW AND VISIBILITY:

In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of the motorists and pedestrians.

6. PROPOSED DEVELOPMENT:

Commercial as permitted under this text.

7. EMISSIONS:

No adverse affects from emissions shall result from the proposed development.

8. BEHAVIOR PATTERNS:

The proposed development would serve the growing Columbus residential population as well as the motorists who use East Broad Street to get to their place of employment.

VARIANCES REQUESTED WITH RESPECT TO EITHER SUBAREA I OR II

- A. To reduce the building setback on East Broad Street from 80 to 50 feet within Subarea II.
- B. To reduce the minimum amount of parking otherwise required by code to 410 parking spaces within Subarea I.
- C. To eliminate the 5' parking lot screening otherwise required by code within Subarea I.



City of Columbus
Mayor Michael B. Coleman

Department of Development Building Services Division

757 Carolyn Avenue
Columbus, Ohio 43224

April 20, 2010

1. **APPLICATION:** **Z10-005 (ACCELA # 10335-00000-00074)**
Location: **6698 EAST BROAD STREET (43213)**, being 31± acres located at the northeast corner of East Broad Street and Brice Road. (010-165722)
Existing Zoning: M-2, Manufacturing District.
Request: CPD, Commercial Planned Development District.
Proposed Use: Building materials supply dealer and commercial uses.
Applicant(s): Menard Inc; a Wisconsin Corporation; 5101 Menard Drive; Eau Claire, WI 54703.
Property Owner(s): Columbus Corporate Center Inc; 191 West Nationwide Boulevard; Suite 200; Columbus, OH 43215
Planner: Dana Hitt, AICP, 645-2395, dahitt@columbus.gov

Dear Mr. O'Neil:

City staff reviewed the above referenced rezoning application on **Thursday, April 15, 2010**. The following considerations are a result of the review:

1. Staff sees no need for any use restrictions. Concerning Bars, Cabarets and Nightclubs, Staff cannot enforce a use restriction that would require Code Enforcement to inspect sales receipts. Please add a note to the CPD Plan stating all graphics shown are illustrative. A new parking and parking lot landscaping and lighting Code is about to be adopted by City Council. Staff suggests trying to comply with this new Code as much as possible. The new requirements may negate the need for some of the limitations that are requesting. You do not need to list the height district in the text nor do you need to state you'll comply with section 3385.09 as that goes without saying. Please provide an elevation of a treated lumber pallet racking structure. If you wish to file a Graphics Plan for this site, your CPD Text will need to be changed to indicate that. You may contact Dana Hitt at 614-645-2395 to discuss these matters.
2. Staff strongly recommends you contact commercial zoning clearance at 614-645-8637 to arrange to have a revised site plan reviewed.
3. Staff is concerned about the setback from the floodway and other flood way issues. Please contact Paul Freedman at 614-645-0704 to discuss these issues.
4. A traffic impact study is required. -The developer will be responsible for any signal modifications required for this development. -If access to Brice Rd. is proposed, the Brice Rd. connection will need to be built by the developer. -There will likely be a requirement to provide a 10' shared use path along the E. Broad St. frontage. -Please determine if Subarea I and Subarea II are to be connected for purposes of the traffic impact study. We would recommend connectivity between the two Subareas. -Right-of-way dedication of 80' from centerline along E. Broad St. is required per C.C.C. 3125.17. Please provide

justification for the requested parking variance.-Dan Blechschmidt is the contact (614-645-1694).

5. Call Maureen Lorenz with the Division of Recreation and Parks at 645-3306 regarding PDO requirements and stream issues.
6. This site is located within a half mile of COTA bus stops and a Post Office but the uses are not connected. Healthy Places features included in the site design are a pedestrian connection from the sidewalk on East Broad Street to the building in Subarea 1. Healthy Places recommends the following considerations to encourage an active living lifestyle: 1) Pedestrian connection from East Broad Street to the building in Subarea 2; and 2) Centrally located bike racks for residents, employees or visitors that ride their bike by choice or because of limited alternatives. You may contact Christine Green to discuss these suggestions at 614-645-5318.

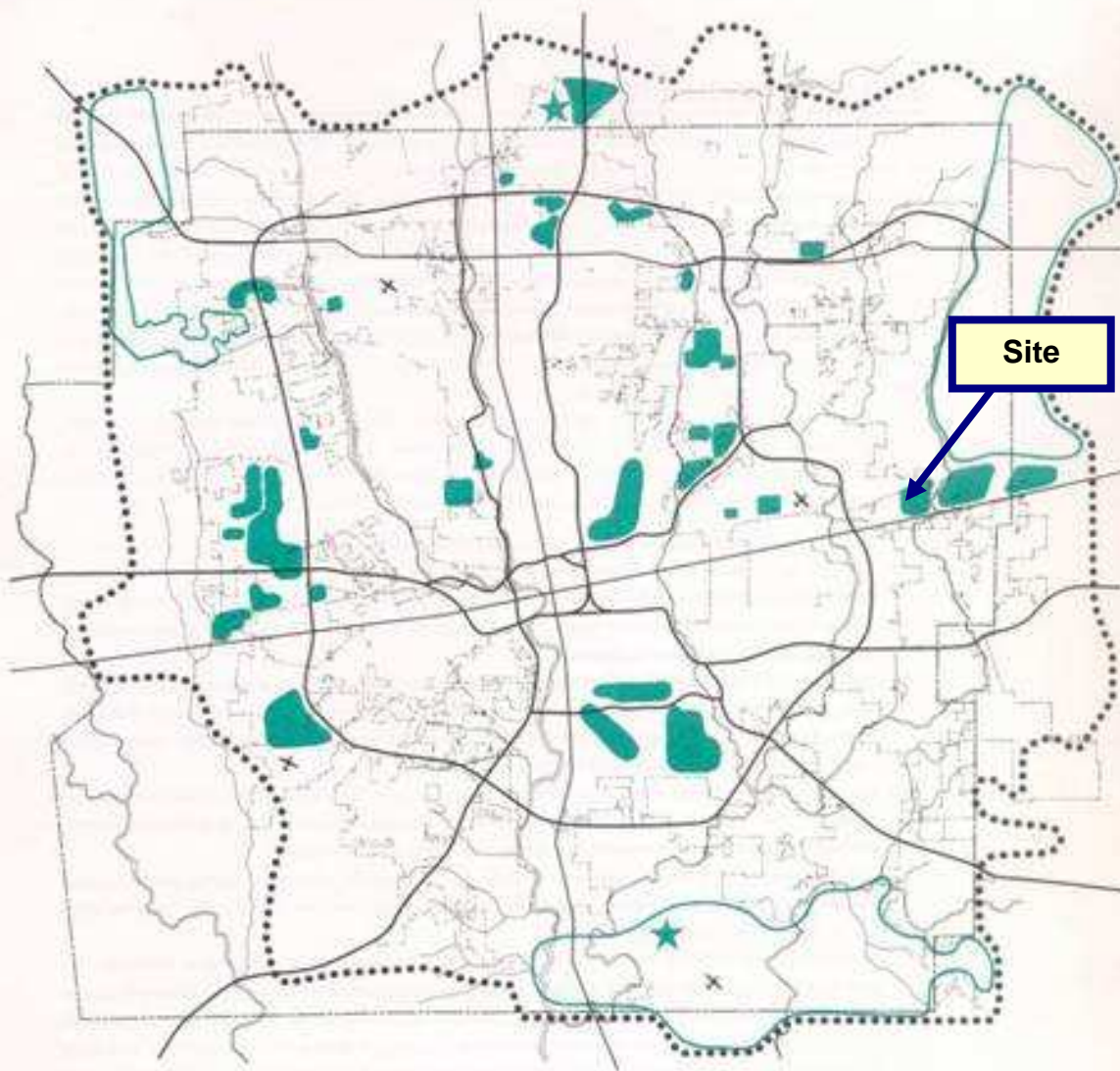
Final materials must be submitted to Staff by **Friday, May 21, 2010** for the **June 10, 2010** Development Commission Meeting. **Modifications received after this date may not be considered.**

Please Note: If the application contains a site plan that will regulate the layout of the proposed development it may require review by other City Departments. It is the Applicant's responsibility to contact and discuss the proposal with those City Departments responsible for reviewing it. You may request a preliminary review of your site plan by contacting the One Stop Shop at 645-7974. Staff from each of the reviewing agencies will provide feedback on your proposal. Site plans are subject to review by these departments during plan review processes. Any conflict with applicable policies or regulations of these departments could result in a denial of your site plan.

Sincerely,

Dana Hitt, Council Activities
645-2395 / 645-2463 fax

cc: Kevin Wheeler; City of Columbus Planning Division



◆ Columbus Comprehensive Plan

Development Districts

- expansion development districts
- ★ fringe village development districts
- industrial/office development districts
- planning area boundary





CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT

MAYOR: MICHAEL B. COLEMAN
DIRECTOR: R. BOYCE SMITH RD III

6698 East Broad Street
Approximately 30.7 acres
M-2 to CPD

Z10-005

0 80 160 320 480 640 Feet